

**Notice of Allowability**

Application No.

09/505,821

Examiner

Taghi T. Arani

Applicant(s)

BABBITT ET AL.

Art Unit

2131

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/21/2005.
2. ☒ The allowed claim(s) is/are 13 and 15-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Taghi T. Arani  
Primary Examiner  
AU 2131  
J. T. Arani

## **DETAILED ACTION**

### **Examiner's Statement of Reasons for Allowance**

Claims 13, 15-21 are allowed over prior art of record.

The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.

As per claim 13, the prior art of record to Brundridge (US Pat. No. 6,279,109) previously cited in the rejection of claim 13 teaches a computing system and operating method executable on a target processor which bootstrap loads and run an application program or interface (executable program instructions) from an alternative medium, for example a CD-ROM medium or via network link, see abstract.

Brundridge's method bootstrap loads and runs interface (GUI) from a CD-ROM medium when an operating system associated with the application program or interface is not installed on the target computer (i.e. expecting device driver), see col. 4, lines 22-33.

Brundridge's bootable CD-ROM enables a user to run an application program or graphical user interface to perform operations including running diagnostics and executing system setup. That is, verifying system device drives to assure that the drivers are not corrupted.

The amendment to claim 13 specifically recites the inclusion of the program instructions on the storage medium being further operable for execution of a voting application program configured to permit a voter to cast votes in an election. As such, modification of this system to encompass the program instructions operable for execution of a voting application program as specified by amended claim 13 would necessitate hindsight reasoning, as no explicit or implicit teachings for the proposed program instructions lie in the prior art of record. Moreover, none of

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the prior art of record, taken either alone or in combination, teaches to the use of the specified exclusive program instructions in claim 13. As such, claim 13 is allowed.

As such, modification of the prior art of record can only be motivated by hindsight reasoning, or by changing the intended use and function of the prior arts themselves. As such, it is not clear that one of ordinary skill in the art at the time of the invention would have made the necessary modifications to the prior arts of record to encompass the limitations set forth in the present application. Moreover, none of the prior arts of record, taken either alone or in combination, anticipate nor render obvious the claimed inventions. Hence, claim 13 is allowable over the prior arts of record.

Claims 15-21 are also allowed over prior art of record by virtue of their dependencies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

Prior arts made of record, not relied upon:

GB 2045 497 to Michael Lowery

0 292 053 to N.V. Nederlandshe

04 419 335 A1 to Terray, Fabrice

0 556 853 A2 to ITALTEST S.r.l.

EP 0 743 620 A2 to NEC CORPORATION

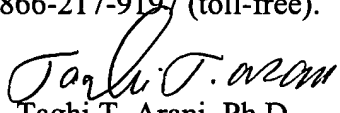
WO 96/02044 to VOTATION CORPORATION

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Taghi T. Arani, Ph.D.  
Primary Examiner  
Art Unit 2131  
7/21/2006